

ATTACHMENT B

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF MISSOURI**

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Isaac McPheeters, being duly sworn, declare and state the following is true and correct to the best of my knowledge and belief:

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”), and I have been employed with the FBI since January 2017. I am currently assigned to the FBI’s Kansas City Field Office of the FBI’s Kansas City Division/Springfield Resident Agency, within the Western District of Missouri. My duties include the investigation of possible violations of federal terrorism offenses, both international and domestic, threats, bombings, other terrorism offenses, and firearms violations. My investigations have included the use of various surveillance techniques and the application for and execution of various search, seizure, and arrest warrants, including search warrants for electronic information and residences.

2. This affidavit is based on the following facts, which are known to me as a result of my personal participation in the investigation, statements by witnesses, my conversations with law enforcement officers, and from reports prepared by law enforcement officers.

3. This affidavit is submitted for the limited purpose of establishing probable cause that JONATHAN S. O’DELL (“O’DELL”) (Date of Birth: 04/23/1990), the defendant herein, committed violations of Title 18, United States Code, Sections 875(c), 922(g)(8) and 924(a)(8). Consequently, this affidavit does not include every fact known to me.

4. In September 2022, the FBI received an anonymous tip via the FBI's National Threat Operations Center that the user of TikTok account @trashpanda1774 posted a video about conducting a violent attack against the United States ("U.S.") Government, and starting a war against the government, specifically saying, "I am probably the only one right now that is ready to go to war against this government and I don't mean just talk about it I mean grab my rifle and go to DC and take this country back physically, not sit in a basement and talk about it." In addition, the complainant referenced having observed posts in which the user stated the need for six like-minded individuals with firearms and their own gear to conduct a hit. This tip related to an investigation by the FBI's Memphis, Tennessee division on BRYAN C. PERRY ("PERRY").

5. During the course of the aforementioned investigation, through information received from TikTok, Yahoo, and AT&T Corp., the user of TikTok account @trashpanda1774 was identified by the FBI as PERRY. Through review of other TikTok video posts by PERRY, the FBI identified additional threatening statements made by PERRY. In substance and in part, PERRY discussed traveling with a group to the U.S. border to shoot migrants. For example, on or about September 22, 2022, PERRY stated that "our little group is moving out as soon as possible, we're not going to sit here and wait around anymore . . . when the shit does hit the fan, don't try to come find us . . . we're out to shoot to kill, we're not out to maim people or to let them go." In that particular video, which was filmed inside of a vehicle, I observed the touch screen / control panel of the vehicle, which listed "Bryan's Galaxy", presumably referencing the cell phone connected to the car at the time of operation. The screen also referenced a contact by the name of "Johnathan".

6. In another video, posted on or about September 12, 2022, PERRY can be heard referencing that members of the U.S. Border Patrol were allowing illegal immigrants into the U.S. from Mexico. PERRY goes on to state that this action was an act of treason and that the U.S. Constitution says the penalty for treason is death. In another TikTok video posted by @trashpanda1774, it appeared the video was recorded by an individual with a male voice who appeared to be on the front porch of a residence.

7. The FBI received information from Yahoo regarding the email address registered to PERRY's TikTok account, which showed that the email address was affiliated with the subscriber's telephone number of XXX-XXX-7717 ("7717"). Subsequent database checks by the FBI revealed that AT&T Corp. was the service provider for 7717. The FBI obtained and served a subpoena to AT&T Corp. for subscriber information and toll records for 7717. In response, AT&T Corp. listed the subscriber of the account as being PERRY. The FBI conducted a review of the toll records for the 7717 number in order to identify the most commonly connected numbers. As of August 2022, one of those telephone numbers was XXX-XXX-9594 ("9594").

8. The FBI conducted database checks to identify the account holder for 9594. The results of these checks indicated that the account belonged to two individuals, one of whom was JONATHAN O'DELL ("O'DELL") and the other a likely relative of O'DELL, who was later identified as O'DELL's brother. Subscriber records indicated that 9594 was owned by O'DELL's brother.

9. A driver's license check of the Missouri Department of Motor Vehicles database associated O'DELL with the most current address of 34154 U.S. Highway 65, Warsaw, Benton

County, Missouri 65355 (the “O’DELL Residence”), a location within the Western District of Missouri.

10. As previously mentioned, *see supra* ¶ 6, PERRY recorded and posted a TikTok video while on what appeared to be the front porch of a residence. The FBI conducted a Google Maps search for the O’DELL Residence and also conducted physical surveillance on the O’DELL Residence. The FBI found that the exterior of the home located at the O’DELL Residence was consistent with what could be seen in the TikTok video based on commonalities between the Google Maps image and the video, including the structure of the front porch, the presence of an American flag and its location on the front of the O’DELL Residence, and similar vegetation in and around the property. Based on this, the FBI concluded that PERRY was co-located with O’DELL at the O’DELL Residence as of September 20, 2022.

11. Physical surveillance subsequently conducted by the FBI through October 5, 2022, established PERRY and O’DELL were residing at the O’DELL Residence. The FBI has observed a vehicle registered to PERRY parked at the O’DELL Residence, as well as a vehicle matching the description of one registered to O’DELL parked at the O’DELL Residence.

12. On September 25, 2022, a video was posted to the TikTok account @mobornfromthe90s showing O’DELL speaking to the camera, expressing a desire to secure the southern border—three days after the post by PERRY referenced above, *see supra* ¶ 5, where PERRY states their “little group is moving out as soon as possible” with the intent of “shoot[ing] to kill.” The TikTok account appeared to be used by O’DELL. In comments on the video, O’DELL indicates they are leaving for Texas on October 4, 2022. Visible in the frame, O’DELL can be seen with the buttstock of a rifle. O’DELL also posted a video on September 17, 2022, and

appears to be holding a rifle, again with the buttstock visible in the frame of the video as he speaks. Law enforcement and Missouri court records indicate that O'DELL is currently charged with felony crimes in Ray County, Missouri and is prohibited from possessing firearms or deadly weapons as a condition of his release on bond.

13. Missouri court records also detail that O'DELL is currently subject to a full order of protection in Ray County, Missouri, case number 22RY-CV00106. Through that case, O'DELL was given notice, in person, of a hearing date on a full order of protection sought by a "current or former spouse". After the hearing, the Court of the 8th Judicial Circuit, Ray County, Missouri, issued a full order of protection against O'DELL on March 18, 2022, which remains in effect until March 2023. The order of protection found that O'DELL "represents a credible threat to the safety of the Petitioner" and "poses a serious danger to the physical or mental health of Petitioner". The order prohibits O'DELL from threatening "to commit domestic violence, molesting, stalking, sexual assault, or disturbing the peace of Petitioner" or from harassing, stalking, or threatening Petitioner or "engag[ing] in other conduct that would place Petitioner in reasonable fear of bodily injury to Petitioner". According to court records, O'DELL was served with the order of protection after it was issued.

14. On October 2, 2022, an FBI Undercover Employee ("UCE") called O'DELL at 9594. During that phone call, O'DELL said he wanted to get a group together to secure the border between the United States and Mexico, consistent with the videos and messages posted by both O'DELL and PERRY referenced herein. O'DELL asked the UCE if the UCE could acquire HAM radios for O'DELL with encrypted channels. O'DELL indicated he could trade firearm parts and ammunition for the HAM radios. O'DELL asked the UCE if the UCE could acquire "NVGs." I

know from my training and experience that “NVGs” is a common acronym for night vision goggles which are commonly used by highly trained military and law enforcement units to allow them to operate in darkness. O’DELL told the UCE that it did not matter if someone was a felon; they should not lose their right to firearms. O’DELL told the UCE, “If I do this, if I do what I’m planning on doing, I know that, I have, I have two options, and that’s either, that’s either being a conqueror or death. And because if I, if I go out and do this, what I’m - what we’re actually planning, I know I’m gonna lose all rights to my sons.” O’DELL continued, “I know I’m already practically a terrorist. I know that for a fact because I’m a patriot.” O’DELL further told the UCE, “I’m gonna be honest, be honest with you man, we’re on the verge of, of fucking waving the red flag, and what I mean by that is, like no prisoners...if someone pops over the border they’re getting dropped right then and there, and I know that sounds cruel and inhumane, but what people don’t understand is that we, if we consistently turn into this we’re going to have, start having bombings, like uh, like over in Europe and you know, England and shit like that, that’s gonna happen.”

15. O’DELL further told the UCE that he had a group of four people and was planning to relocate to Texas on October 4, 2022, or possibly the weekend of October 8, 2022. O’DELL hoped to start with surveillance and reconnaissance at the border and grow his group over time. O’DELL said he had already notified the office of the governor of Texas that he was coming. O’DELL told the UCE, “If this continues to go on, my sons and daughter will become slaves again to a corrupt, to a corrupt, uh, dictatorship, that will not care about how they live, or if they live or die too. I’m not, I’m not willing to you know, to uh, just sit aside, like you know...” O’DELL further stated, “I’d rather die tomorrow knowing I’ve done something. I have to, I have to do something for those that I love, because those that I love are not going to be able to do anything.”

O'DELL also expressed a desire to recruit additional people to meet up with him for his plan. At the time of this phone call, the UCE was outside of the state of Missouri. Based on historical cell site data retrieved by AT&T Corp. on O'DELL's phone, subsequent to the issuance of a search warrant for such information issued by the United States District Court for the Western District of Missouri on October 3, 2022, the phone utilized by O'DELL during the call was in Benton County, Missouri, a location within the Western District of Missouri, at the time of this phone call. From my training and experience, I know that historical cell site records reliably show which cell tower serviced a phone in that vicinity. The cell towers servicing O'DELL's phone on October 2, 2022, were all in central Missouri, within the Western District of Missouri.

16. On or around October 3, 2022, PERRY again posted to his TikTok account, @trashpanda1774, saying, "Hey Patriots, I made a video, uh, this morning about, uh, saying that we were going out huntin'. That is correct. That's accurate, uh the 8th, uh going down to Texas." PERRY continued saying, "We're not going down there to protest for sure. Not, nothing like that at all... going down there to let them know we mean business." PERRY said his group was taking their "full kits" and "everything that would be needed." I know from my training and experience that kits often refers to wearable vest carriers that better enable shooters to carry extra gear including body armor, spare ammunition, and radios. PERRY stated, "And the reason I choose the, uh, spot for the meeting place before we head out because I wanna talk to the people a little bit before we actually head out to go huntin'. Because I want you all to the know the seriousness of it. What we're really gonna be doin' and what to expect." PERRY continued, "We're not going down there to protest. We're not going down there to, uh, just be a presence. No, we are going down there and we're taking this country back." PERRY stated, "Someone had told me this

morning, that they asked me that if I knew that there was a possibility that we wouldn't return, and I told them, turned around and said yes. I know there's a great possibility that we won't return. But I also know that with the skills that the government's given me when I went through the Army. That's gonna help me survive." PERRY continued saying, "That being said, I don't have no fear, I don't have no fear about what has to be done. The only thing I fear is leaving people behind that are gonna miss me. That's the only fear I have. So it is a lot to think about, it is a lot to decide if really you want to go or not. But now's the chance, we're heading out Saturday."

17. On October 4, 2022, the UCE talked with O'DELL over the phone. During this phone conversation, O'DELL said, "Nothing is going to be over the phone", referring to his plans and that O'DELL will have safe houses in Texas for his operations. O'DELL also indicated he uses Telegram to communicate. O'DELL hoped to find more people in Texas to help him. O'DELL told the UCE, "I don't expect a good outcome from us going down there," and that it will be "kill or be killed." O'DELL said he has a Glock 17 as his "daily carry." O'DELL told the UCE he planned to go to Texas later than initially planned. O'DELL said he has a medical kit and has "a bad feeling we're gonna go through" all 2,000 rounds of ammunition he is bringing. O'DELL further told the UCE, "We thought you know, we thought about, you know just you know punchin' the idea around, you know these fuckin' IRS, and other different places are gonna stockpile ammo. Maybe that's somethin' we should go visit and see if we can tactically acquire some." Based on my training and experience, as well as my review of publicly available information, I know that a Glock 17 is not manufactured in Missouri.

18. Also on October 4, 2022, physical surveillance conducted by the FBI observed O'DELL in Warsaw, Missouri, with what appeared to a firearm tucked into his jeans, including when he entered his vehicle.

19. Historical data received on O'DELL's phone showed that it was located in the state of Texas in August 2022.

20. As part of my training and experience, I am familiar with social media platforms and websites, including TikTok. I know from my training and experience that TikTok is a Social Media platform primarily used for sharing videos and that a common way to access and use TikTok is through an application one can download to their smartphone. Based on the angle and movement of the camera in videos posted by PERRY and O'DELL, the video is consistent with video recorded on and by a smartphone. I also know from my training and experience that the most common mode of use for posting videos on TikTok is to record the video with a smartphone and post said video with the same smartphone.

21. On October 7, 2022, the FBI executed a search warrant, issued by the United States District Court for the Western District of Missouri on October 6, 2022, on the O'DELL Residence. O'DELL and PERRY were found on the premises. The FBI located a Stevens, model 320, 12-gauge shotgun, bearing serial number 142729C, in a bedroom. FBI agents conducted a post-*Miranda* interview with O'DELL, which I participated in. During this interview, O'DELL stated that the shotgun was "one hundred percent" his. O'DELL acknowledged that the 9594 phone number was his phone number but denied making any threats. O'DELL also admitted that he was a prohibited person regarding the firearm. Special Agent Brian Fox of the Bureau of Alcohol, Tobacco, Firearms, and Explosives was consulted regarding the firearm and, based upon the

description of the firearm and his training and experience, knows that such firearm was manufactured outside of the state of Missouri. Therefore, because it was found in the state of Missouri, it would have traveled across state lines prior to its discovery in O'DELL's possession on October 7, 2022.

22. The facts set forth in this affidavit are true and correct to the best of my knowledge and belief. I declare upon the penalty of perjury that the information contained herein is true and correct to the best of my knowledge.

Respectfully submitted,



Isaac McPheeters
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me by telephone or other reliable electronic means on the 7th day of October 2022.



Willie J. Epps, Jr.
United States Magistrate Judge